

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

---

YECHESKEL TABAK individually and  
all other similarly situated consumers,

Plaintiff,

vs.

**Case No. 12-CV-6232**

PENTAGROUP FINANCIAL, LLC

Defendant.

---

**STIPULATION OF SETTLEMENT AND ORDER OF DISMISSAL**

WHEREAS, plaintiff, Yechezkel Tabak, ("Plaintiff"), filed a complaint on December 19, 2012 alleging that defendant, Pentagroup Financial, LLC ("Pentagroup") for violations of the Fair Debt Collection Practices Act ("FDCPA"); and

WHEREAS, the parties are interested in resolving all the remaining issues alleged in the complaint in this action, and have negotiated in good faith for that purpose; and

WHEREAS, none of the parties to the above-captioned action is an infant or incompetent person; and

WHEREAS, the parties in the above-captioned matter are desirous of discontinuing the litigation;

IT IS HEREBY STIPULATED AND AGREED by and between the parties and/or their respective counsel as follows:

1. The parties hereby agree that the hereinabove captioned action is dismissed and discontinued with prejudice, as to the named defendants, pursuant to Rule 41(a) of the Federal Rules of Civil Procedure.

2. Any and all of the claims for damages by plaintiff which are the subject of this action or otherwise arise out of any of the incidents alleged in the Complaint are hereby settled, as against the named defendants, in full satisfaction of all claims for damages, costs, disbursements and legal fees which have been paid to David Palace, Esq. who has agreed not to claim fees, disbursements or expenses in any degree or respect.

3. In consideration of the payment of the sum recited in paragraph #2 hereinabove the plaintiff, hereby releases defendant in their individual and official capacities, and their heirs, executors, administrators and assigns, from any and all claims, liabilities and causes of action related to or arising out of any and all of the events set forth in the complaint in the above-captioned action.

4. Nothing in this So Ordered Stipulation of Settlement shall be construed as an admission or concession of liability whatsoever the defendant regarding any of the allegations made by the plaintiff in his complaint herein that the plaintiff's rights under the Federal or New York Constitutions or Statutes had been violated.

5. This Stipulation of Settlement and any Order entered thereon shall have no precedential value or effect whatsoever and shall not be admissible in any other action or proceeding as evidence or for any other purpose except in an action or proceeding to enforce this Stipulation of Settlement.

Case 1:12-cv-06232-ERK-JMA Document 9 Filed 09/27/13 Page 3 of 3 PageID #: 29

6. This Stipulation and Order of Settlement embodies the entire agreement of the parties in this matter.

DATED: September 24, 2013

/s/ David Palace  
David Palace, Esq.  
Law Offices of David Palace  
383 Kingston Avenue, #113  
Brooklyn, NY 11213

Dated: September 24, 2013

/s/ Glenn M. Fjermedal  
Glenn M. Fjermedal, Esq.  
DAVIDSON FINK LLP  
Office and Post Office Address  
28 East Main Street, Suite 1700

IT IS SO ORDERED

Dated: September 24, 2013

/s/ Judge Edward R. Korman

~~HONORABLE JOAN M. AZRACK~~ EDWARD R. KORMAN  
United States District Judge